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Carrier and the subcontractor; and the effect of any such defective data on the total price negotiated;

(vi) The reasons for any significant difference between the Carrier's price objective and the price negotiated; and

(vii) A complete explanation of the incentive fee or profit plan when incentives are used. The explanation shall identify each critical performance element, management decisions used to quantify each incentive element, reasons for the incentives, and a summary of all trade-off possibilities considered.

(c) The Carrier shall obtain the Contracting Officer's written consent before placing any subcontract for which advance notification is required under paragraph (a) of this clause. However, the Contracting Officer may ratify in writing any such subcontract. Ratification shall constitute the consent of the Contracting Officer.

(d) The Contracting Officer may waive the requirement for advance notification and consent required by paragraphs (a), (b), and (c) of this clause where the Carrier and subcontractor submit an application or renewal as a contractor team arrangement as defined in FAR subpart 9.6 and—

(1) The Contracting Officer evaluated the arrangement during negotiation of the contract or contract renewal; and

(2) The subcontractor's price and/or costs were included in the plan's rates that were reviewed and approved by the Contracting Officer during negotiation of the contract or contract renewal.

(e) Unless the consent or approval specifically provides otherwise, consent by the Contracting Officer to any subcontract shall not constitute a determination (1) of the acceptability of any subcontract terms or conditions; (2) of the allowability of any cost under this contract; or (3) to relieve the Carrier of any responsibility for performing this contract.

(f) No subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis. Any fee payable under cost reimbursement type subcontracts shall not exceed the fee limitations in FAR 15.903(d). Any profit or fee payable under a subcontract shall be in accordance with the provision of subpart 3.7, Service charge.

(g) The Carrier shall give the Contracting Officer immediate written notice of any action or suit filed and prompt notice of any claim made against the Carrier by any subcontractor or vendor that, in the opinion of the Carrier, may result in litigation related in any way to this contract with respect to which the Carrier may be entitled to reimbursement from the Government.

(End of clause)

[52 FR 16044, May 1, 1987, as amended at 55 FR 27418, July 2, 1990]

1652.246-70 FEHB Inspection.

As prescribed in 1646.301, the following clause shall be inserted in all FEHBP contracts:

FEHB INSPECTION (JAN 1991)

(a) The Government or its agent has the right to inspect and evaluate the work performed or being performed under the contract, and the premises where the work is being performed, at all reasonable times and in a manner that will not unduly delay the work. If the Government or its agent performs inspection or evaluation on the premises of the Carrier or a subcontractor, the Carrier shall furnish and require the subcontractor to furnish all reasonable facilities and assistance for the safe and convenient performance of these duties.

(b) The Carrier shall insert this clause in all subcontracts for underwriting and administrative services and shall substitute "Contractor" or other appropriate reference for the term "Carrier."

(End of Clause)

[55 FR 27418, July 2, 1990]

1652.249-70 Renewal and withdrawal of approval.

As prescribed in 1649.101-70, the following clause shall be inserted in all FEHBP contracts:

RENEWAL AND WITHDRAWAL OF APPROVAL
(JAN 1991)

(a) Pursuant to 5 U.S.C. 8902(a), the contract renews automatically for a term of 1 year each January 1st, unless written notice of intent not to renew is given either by OPM or the Carrier not less than 60 calendar days before the renewal date, or unless modified by mutual agreement.

(b) This contract also may be terminated at other times by order of OPM pursuant to 5 U.S.C. 8902(e). After OPM notifies the Carrier of its intent to terminate the contract, OPM may take action as it deems necessary to protect the interests of members, including but not limited to—

(1) Suspending new enrollments under the contract;

(2) Advising enrollees of the asserted deficiencies; and

(3) Providing enrollees an opportunity to transfer to another Plan.

(c) OPM may, after proper notice, terminate the contract at the end of the contract term if it finds that the Carrier did not have

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at least 300 enrollees enrolled in its plan at any time during the two preceding contract terms.

(End of Clause)

[52 FR 16044, May 1, 1987, as amended at 55 FR 27418, July 2, 1990; 57 FR 19388, May 6, 1992]

Subpart 1652.3—FEHBP Clause Matrix

1652.370 Use of the matrix.

(a) The matrix in this section lists the FAR and FEHBP clauses to be used with contracts based on cost analysis and contracts based on established catalog or market price. Carriers shall submit initial applications and re-

quests for renewals on the basis that the new contract or contract renewal will include the clauses indicated.

(b) Certain contract clauses are mandatory for FEHBP contracts. Other clauses are to be used only when made applicable by pertinent sections of the FAR or FEHBP. An “M” in the “Use Status” column indicates that the clause is mandatory. An “A” indicates that the clause is to be used only when the applicable conditions are met.

(c) Clauses are incorporated in the contract either in full text or by reference. If the full text is to be used, the matrix indicates a “T”. If the clause is incorporated by reference, the matrix indicates an “R”.

FEHBP CLAUSE MATRIX

Clause no.	Text reference	Title	Use status	Use with contracts based on	
				Cost analysis	Price analysis
FAR 52.202–1	FAR 2.2	Definitions	M	T	T
FAR 52.203–1	FAR 3.102–2	Officials Not to Benefit	M	T	T
FAR 52.203–3	FAR 3.202	Gratuities	M	T	T
FAR 52.203–5	FAR 3.404(c)	Covenant Against Contingent Fees.	M	T	T
FAR 52.203–7	FAR 3.502–3	Anti-Kickback Procedures	M	T	T
FAR 52.203–9	FAR 3.104–10(b)	Requirement for Certificate of Procurement Integrity—Modification.	M	T	T
FAR 52.203–12	FAR 3.808	Limitation on Payments to Influence Certain Federal Transactions.	M	T	T
1652.203–70	1603–703	Misleading, Deceptive, or Unfair Advertising.	M	T	T
1652.204–70	1604.705	Contractor Records Retention.	M	T	T
1652.204–71	1604.7001	Coordination of Benefits	M	T	T
FAR 52.209–6	FAR 9.409(b)	Protecting the Government's Interest When Subcontracting With Contractors Debarred, Suspended, or Proposed for Debarment.	M	T	T
FAR 52.215–1	FAR 15.106–1(b)	Examination of Records by Comptroller General.	M	T	T
FAR 52.215–2	FAR 15.106–2(b)	Audit-Negotiation	M	T	T
FAR 52.215–22	FAR 15.804–8(a)	Price Reduction for Defective Cost or Pricing Data.	M	T	T
FAR 52.215–23	FAR 15.804–8(b)	Price Reduction for Defective Cost or Pricing Data—Modifications.	M .....	.....	T
FAR 52.215–24	FAR 15.804–8(c)	Subcontractor Cost or Pricing Data.	M	T	T
FAR 52.215–25	FAR 15.804–8(d)	Subcontractor Cost or Pricing Data—Modifications.	M .....	.....	T
FAR 52.215–27	FAR 15.804–8(e)	Termination of Defined Benefit Pension Plans.	M	T	T
FAR 52.215–30	FAR 15.904	Facilities Capital Cost of Money.	M	T	T
FAR 52.215–31	FAR 15.904	Waiver of Facilities Capital Cost of Money.	A	T	T

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FEHBP CLAUSE MATRIX—Continued

Clause no.	Text reference	Title	Use status	Use with contracts based on	
				Cost analysis	Price analysis
FAR 52.215-39	FAR 15.804-8(f)	Reversion or Adjustment of Plans for Postretirement Benefits Other Than Pensions (PRB).	M	T	T
1652.215-70	1615.804-72	Rate Reduction for Defective Pricing or Defective Cost or Pricing Data.	M .....	.....	T
1652.215-71	1615.805-71	Investment Income	M	T .....	.....
1652.216-70	1616.270	Accounting and Price Adjustment.	M .....	.....	T
1652.216-71	1616.271	Accounting and Allowable Cost.	M	T .....	.....
FAR 52.219-8	FAR 19.708(a)	Utilization of Small Business Concerns and Small Disadvantaged Business Concerns.	M	T	T
FAR 52.219-13	FAR 19.902	Utilization of Women-Owned Small Businesses.	M	T	T
FAR 52.220-3	FAR 20.302(a)	Utilization of Labor Surplus Area Concerns.	M	T	T
FAR 52.222-1	FAR 22.103-5(a)	Notice to the Government of Labor Disputes.	M	T	T
FAR 52.222-3	FAR 22.202	Convict Labor	M	T	T
FAR 52.222-4	FAR 22.305(a)	Contract Work Hours and Safety Standards Act—Overtime Compensation—General.	M	T	T
FAR 52.222-26	FAR 22.810(e)	Equal Opportunity	M	T	T
FAR 52.222-28	FAR 22.810(g)	Equal Opportunity Preaward Clearance of Subcontracts.	M	T	T
FAR 52.222-29	FAR 22.810(h)	Notification of Visa Denial	A	T	T
FAR 52.222-35	FAR 22.1308(a)	Affirmative Action for Special Disabled and Vietnam Era Veterans.	M	T	T
FAR 52.222-36	FAR 22.1408(a)	Affirmative Action for Handicapped Workers.	M	T	T
1652.222-70	1622.103-70	Notice of Significant Events	M	T	T
FAR 52.223-2	FAR 23.105(b)	Clean Air and Water	A	T	T
FAR 52.223-6	FAR 23.505(c)	Drug-Free Workplace	A	T	T
1652.224-70	1624.104	Confidentiality of Records	M	T	T
FAR 52.229-3	FAR 29.401-3	Federal, State and Local Taxes.	M .....	.....	T
FAR 52.229-4	FAR 29.401-4	Federal, State and Local Taxes (Noncompetitive Contract).	M	T .....	.....
FAR 52.229-5	FAR 29.401-5	Taxes—Contracts Performed in U.S. Possessions or Puerto Rico.	A	T	T
FAR 52.229-6	FAR 29.402-1(a)	Taxes—Foreign Fixed Price Contracts.	A	T	T
FAR 52.230-2	FAR 30.201-4(a)(1)	Cost Accounting Standards	A	T	T
FAR 52.230-3	FAR 30.201-4(b)(1)	Disclosure and Consistency of Cost Accounting Practices.	A	T	T
FAR 52.230-5	FAR 30.201-4(d)(1)	Administration of Cost Accounting Standards.	A	T	T
FAR 52.232-8	FAR 32.111(c)(1)	Discounts for Prompt Payment.	M	T	T
FAR 52.232-17	FAR 32.617(a) Modification: 1632.617.	Interest	M .....	.....	T
FAR 52.232-23	FAR 32.806(a)(1)	Assignment of Claims	A	T	T
1652.232-70	1632.171	Payments—contracts without letter of credit payment arrangements.	A	T	T
1652.232-71	1632.172	Payments—contracts with letter of credit payment arrangements.	A	T	T

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FEHBP CLAUSE MATRIX—Continued

Clause no.	Text reference	Title	Use status	Use with contracts based on	
				Cost analysis	Price analysis
1652.232–72	1632.772	Non-Commingling of FEHBP Funds.	M	T	
1652.232–73	1632.806–70	Approval for Assignment of Claims.	M	T	T
FAR 52.233–1	FAR 33.214	Disputes	M	T	T
FAR 52.242–1	FAR 42.802	Notice of Intent to Disallow Costs.	M	T	
FAR 52.242–13	FAR 42.903	Bankruptcy	M	T	T
FAR 52.249–2	FAR 49.502(b)(1)(i)	Termination for Convenience of the Government (Fixed-Price).	M	T	T
FAR 52.249–8	FAR 49.504(a)(1)	Default (Fixed-Price Supply and Service).	M	T	T
FAR 52.243–1	FAR 43.205(a)(1)	Changes—Fixed Price—Alternate I.	M	T	T
1652.244–70	1644.270	Subcontracts	M	T	T
FAR 52.244–5	FAR 44.204(e)	Competition in Subcontracting.	M	T	T
FAR 52.245–2	FAR 45.106(b)(1)	Government Property (Fixed-Price Contracts).	M	T	T
FAR 52.246–25	FAR 46.805(a)(4)	Limitation of Liability—Services.	M	T	
1652.246–70	1646.301	FEHBP Inspection	M	T	T
FAR 52.247–63	FAR 47.405	Preference for U.S.-Flag Air Carriers.	M	T	T
1652.249–70	1649.101–70	Renewal and Withdrawal of Approval.	M	T	T
FAR 52.251–1	FAR 51.107	Government Supply Sources.	A	T	
FAR 52.252–2	FAR 52.107(b)	Clauses Incorporated by Reference.	M	T	T
FAR 52.252–4	FAR 52.107(d)	Alterations in Contract	M	T	T
FAR 52.252–6	FAR 52.107(f)	Authorized Deviations in Clauses.	M	T	T

[52 FR 16044, May 1, 1987, as amended at 55 FR 27418, July 2, 1990; 59 FR 14767, Mar. 30, 1994]

PART 1653—FORMS

AUTHORITY: 5 U.S.C. 8913; 40 U.S.C. 486(c); 48 CFR 1.301.

1653.000 FEHBP forms.

The following forms specified in FAR subparts 53.2 and 53.3 are applicable to FEHBP acquisitions:

Part 53.2	Part 53.3	Form title
53.201–1	53.301–1402	SF 1402—Certificate of Appointment.
53.203	53.301–119	SF 119—Statement of Contingent or Other Fees.

Part 53.2	Part 53.3	Form title
53.204–2(a)	53.301–279	SF 279 FPDS—Individual Contract Action Report (over \$10,000).
53.204–2(b)	53.301–281	SF 281 FPDS—Summary of Contract Actions of \$10,000 or less.
53.215–2(b)	53.301–1412	SF 1412—Claim for Exemption from Submission of Certified Cost or Pricing Data.
53.229	53.301–1094	SF 1094—U.S. Tax Exemption Certificate.
53.229	53.301–1094A	SF 1094A—Tax Exemption Certificates Accountability Record.

[52 FR 16048, May 1, 1987]